

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

This response is submitted in response to the Final Office Action mailed October 28, 2004, to request reconsideration of the rejection of claims 2-7, 9-14 and 16-22 as set forth therein. In the event the Examiner determines that the foregoing amendments do not place the case in condition for allowance, it is respectfully requested that the above amendments be entered to place the claims in better form for consideration on appeal.

In the Final Office Action, the Examiner rejects claims 2-7, 9-14 and 16-22 under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Patent No. 6,285,990 B1 to David K. Lee et al. (hereinafter "Lee") in view of U.S. Patent No. 6,058,384 to Perry A. Pierce et al. (hereinafter "Pierce").

In the previous response, independent claims 1, 8, and 15 were cancelled and dependent claims 2, 9 and 16 were amended to include the limitations of claims 1, 8 and 15, respectively. Applicant argued that the verifying section 4 of the present invention verifies that the electronic revenue stamp is issued by the electronic revenue stamp issuing apparatus 100 by using the signature attached to the electronic revenue stamp, and that the verifying means is part of the stamp issuing apparatus, as shown in Fig. 2 and recited in the claims.

Applicant further argued that in Pierce, it is the data center that determines whether or not a refund is appropriate. The verification means in the present invention, on the other hand, verifies whether or not an input message is reliable to execute a refund, no matter who transferred the message. The verification is based on the signature of an intended receiver of the digital stamp and not based on the signature of the data center.

Additionally, Applicant argued that in the Pierce reference, the one who signs a signature is fixed in all situations, but in the present invention, the one who signs a signature can be different depending on the situation. In other words, the present invention does not require a data center apparatus and can identify who issued a stamp to whom without the data center, which is required in Pierce.

However, the Examiner, on page 2 of the Office Action, states that the features argued are not recited in the claims (data center, without communication with a uniquely managed body, or who signing the signature can be different). Although our arguments were directed at the verification means recited in the claims, and that the verification means provides a stamp issuing apparatus that is able to execute a refund procedure without communicating with a data center, the Examiner seems to require positively reciting this element in the claims.

Thus, independent claims 2, 9 and 16 have been amended accordingly, to recite that the verification means is part of the stamp issuing apparatus, and that a data center is not required to execute the refund process. Support for the amendment is found throughout the specification; specifically, in Figs. 2-4, and pages 11-14. Therefore, Applicant respectfully submits that no new matter has been added by way of the amendment to claims 2, 9 and 16. Further, the claims have been further clarified by the amendment, and accordingly, Applicant respectfully submits that no new issue is raised by way of the amendment to claims 2, 9 and 16.

The verification means of Pierce, on the other hand, simply verifies whether or not a command was made by a data center. The verification means of the present invention verifies whether or not an input message is reliable to execute a refund procedure, no matter who transferred the message, and the verification is based on the signature of the intended receiver of the digital stamp and not based on the signature of the data center. Thus, the present invention

does not require a data center as is required by Pierce. Lee completely fails to even disclose a verification means.

In the present invention, the verifying section 4 reads out the identifier of the receiver written in the electronic revenue stamp, and verifies that the identifier of the receiver has been validly given to the certificate making the electronic revenue stamp invalid. After the verification, the amount increasing section 5 increases the amount by the amount of the electronic revenue stamp. Then, the invalid electronic revenue stamp recording section 6 records the electronic revenue stamp that was made to be invalid. The verifying means is part of the stamp issuing apparatus, as shown in Fig. 2 and recited in the claims.

In Pierce, as shown in items 115 and 130 in Fig. 2, it is the data center that determines whether or not a refund is appropriate. The verification means in the present invention verifies whether or not an input message is reliable to execute a refund, no matter who transferred the message. The verification is based on the signature of an intended receiver of the digital stamp and not based on the signature of the data center. In the Pierce reference, the one who signs a signature is fixed in all situations, but in the present invention, the one who signs a signature can be different depending on the situation. In other words, the present invention does not require a data center apparatus and can identify who issued a stamp to whom without the data center, which is required in Pierce. Thus, the present invention can be widely applied to real commercial transactions. The present invention can execute a refund procedure without communicating with a uniquely managed body such as the data center in Pierce, and can execute this refund procedure simply by a local communication with an intended receiver of a stamp.

The reference of Lee, individually or in combination with Pierce, fails to disclose a stamp issuing apparatus with a verification means that is part of the stamp issuing apparatus, where a

data center is not required to execute the refund process, as recited in independent claims 2, 9 and 16. It has been held by the Courts that to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). The cited references of Lee and Pierce, individually or in combination, fail to disclose this feature. Therefore, the present invention, as per independent claims 2, 9 and 16, is patentably distinguishable over the cited references of Lee, individually or in combination with Pierce.

Therefore, it is respectfully requested that the 35 U.S.C. §103(a) rejection of 2-7, 9-14 and 16-22 be withdrawn, and respectfully requested that claims 2-7, 9-14 and 16-22 be allowed.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorney would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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